

## Article - Environment

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§15–606.

(a) A person may not continue or commence operation of any deep mine as an operator after January 1, 1977 without first obtaining a permit from the Secretary.

(b) The application for a permit shall be on a form prescribed by the Secretary and shall be accompanied by a \$200 fee. As part of the application, the operator shall include: (1) two copies of an accurate map or plan as required by subsection (i) of this section; (2) a detailed mine opening sealing plan and general reclamation plan for the affected area; (3) any other information required by the Secretary; and (4) an application for each other permit required for the operation by the Environment Article.

(c) (1) Notwithstanding any provision of the State Government Article, public notice on pending applications provided in accordance with the provisions of this subtitle shall be the only notice required by law.

(2) Upon submission of the completed applications required by subsection (b) of this section, the Department shall require the applicant to publish an approved public notice of the opportunity to submit written comments and to request a hearing.

(3) The public notice shall:

(i) Be published in a newspaper of general circulation in the county of the proposed mining site at least once a week for 4 successive weeks;

(ii) Identify the ownership of the land within the proposed permit area;

(iii) Describe the location of the proposed operation sufficiently so that it can be easily located by local residents;

(iv) Indicate the location where a copy of the application is available for public inspection; and

(v) Include a statement that written comments and requests for a public hearing will be received by the Department for 30 days after the last newspaper publication.

(4) The Department shall provide written notice of applications for permits to any person who requests written notice.

(5) Prior to the hearing, the Secretary shall seek the recommendations of the Land Reclamation Committee concerning the general reclamation plan for the affected area.

(d) (1) If a hearing is requested within the comment period set forth in the public notice, the Department shall notify the applicant and any person who requests the hearing of the date, time, and location of the hearing. The Department shall publish the date, time, and location of the hearing in a newspaper of general circulation in the county of the proposed operation.

(2) The Department shall hold the hearing at least 15 but not more than 60 days after the Department provides public notice of the hearing. Members of the public shall be provided an opportunity to comment on the application in writing until the date of the hearing and copies of the application shall be available for public inspection at the Department and at the soil conservation district office in the county of the proposed mine site 15 days before the hearing.

(3) A record of the hearing shall be made and be available to the public.

(e) (1) The Secretary shall approve, reject, or modify the proposed deep mining plans. If a hearing is requested, after the hearing, the Secretary shall approve, reject, or modify the proposed deep mining plans.

(2) If the Secretary modifies or rejects a deep mining plan, the operator shall be notified in writing of the reasons for rejection or the modifications required. The operator may resubmit the plan with the requested corrections or modifications to the Secretary.

(f) A permit issued under this subtitle is valid for a period of up to five years from its issuance or until the operation is completed or abandoned, unless the Department suspends or revokes the permit or unless the permittee requests a change in operations.

(g) A permit is renewable on application and payment of a \$200 fee.

(h) A permit may not be issued to any operator for the purpose of mining any abandoned mine or part of it that has been sealed in compliance with this subtitle, unless a detailed projected mining plan in the form of a cost-benefit analysis is submitted to and approved by the Secretary. The Secretary may not approve a plan unless the plan shows that a continuation of mining would not affect adversely the

current environmental balance of the area and would be advantageous for the more complete recovery and utilization of the natural resources.

(i) The operator of any coal mine in the State shall make, or cause to be made by a competent mining engineer or surveyor, an accurate map of the mine for each seam of coal worked, on a scale of not less than 200 feet to the inch, which shows:

(1) The boundary lines of the property, the location of all buildings, railway tracks, wagon or other roads, rivers, streams, lakes and ponds, with the depth indicated, other important landmarks on the surface of the property; connecting lines of contiguous properties; and any lines with relation to contiguous mines or coal properties.

(2) The openings, excavations, shafts, slopes, drifts, tunnels, planes, entries, rooms, crosscuts, and the name and location number of each coal mine, if so identified.

(3) The elevation datum at top and bottom of each shaft, slope, and any drifts, tunnels, planes, at the faces of entries, as found at each semiannual survey; and in rooms and entries adjacent to boundary lines between the mine and any adjoining mine at points not more than 300 feet apart; the date of entry of each datum; and the location and elevation of any body of water dammed within or held back in any portion of the mine, giving as nearly as ascertainable, the true area of the body of water.

(4) The direction of the air currents in the mine, indicated by arrows.

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